

Mithun Vs. State of Kerala

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Court : Kerala

Decided On : May-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Mithun

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 28TH DAY OF MAY 2014 7TH JYAISHTA, 1936 Bail Appl..No. 3099 of 2014 ----- CRIME NO. 665/2014 OF PARIPPALLY POLICE STATION , KOLLAM .. PETITIONER/ACCUSED NO.3: ----- MITHUN, AGED 22 YEARS, S/O.DAIVA SAHAYAM, KURUPPUMVEETIL, NAVAJYOTHI NAGAR, KADAPPAKADA P.O,KOLLAM. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRA KRISHNAN RESPONDENT/STATE: ----- 1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 (CRIME NO.665/2014 OF PARIPPALLY POLICE STATION, KOLLAM DISTRICT).

2. STATION HOUSE OFFICER, PARIPPALLY POLICE STATION, KOLLAM DISTRICT-691 574 (CRIME NO.665/2014 OF PARIPPALLY POLICE STATION, KOLLAM DISTRICT). BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON2805-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.No.3099 of 2014 ----- Dated this the 28th day of May, 2014

ORDER

Petitioner is the third accused in Crime No.665 of 2014 of the Parippally Police Station for the offences punishable under Sections 143, 147, 148, 323, 324, 506(i) and 308 r/w Section 149 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Application is opposed by the learned Pubic Prosecutor. It is submitted that on the relevant day and time the de facto complainant who is a College student did not put buttons of his shirt and thereon, the petitioner and others dragged him and attacked him with stone.

3. Learned counsel submits that the allegation of attacked the stone is attributed to the first accused.

4. Having regard to the relevant circumstances including the motive, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief to the petitioner but subject to conditions and protecting the interest of the de facto complainant also. Application is allowed as under: B.A.No.3099 of 2014 2 (i) Petitioner shall surrender before the Officer investigating Crime No.665 of 2014 of the Parippally Police Station on 03.06.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioner shall be released on bail, (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be father/mother of the petitioner. (b) Petitioner shall deposit of Rs. 5,000/- (Rupees five thousand only) in a Nationalized Bank in his

names initially for a period of two years (renewable as per order of the learned magistrate) and produce the FD receipt before the learned magistrate while executing the bail bond. (c) In case the case is decided against the petitioner B.A.No.3099 of 2014 3 and he is made liable to pay compensation to the defacto complainat, such compensation could be realized from the amount in deposit to the extent possible. (d) Petitioner shall report to the officer investigating the case as and when required for interrogation. (e) Petitioner shall not get involved in any offence during the period of this bail. (f) Petitioner shall not intimidate or influence the witnesses. (v) It is made clear that in case any of condition Nos. (d) to (f) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal of the case if any, and thereafter, before the learned Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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